

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFFREY L. HAIGHT,	)	
	)	
Plaintiff,	)	4:04 CV 3363
	)	
v.	)	
	)	
	)	
KATCH, LLC, A Nebraska Limited	)	MEMORANDUM AND ORDER
Liability Company, d/b/a LUCKIE'S	)	
LOUNGE & GRILL,	)	
	)	
Defendant.	)	

Defendant has filed an application for attorney's fees and expenses pursuant to my order of April 28, 2005. Plaintiff has not responded to the application. Based on the representations in the application and the brief and affidavit in support thereof, I conclude that the amount requested is reasonable.

Defendant has also requested that sanctions be applied against the plaintiff his counsel for failing to abide by the previous order compelling production of documents. There is no motion explicitly requesting the imposition of sanctions, however, and until one is filed, thereby triggering the plaintiff's time for responding, I think it better not to address the issue at this time. Defendant is free to file such a motion separately.

IT THEREFORE HEREBY IS ORDERED:

1. The application for fees and expenses is granted, and the defendant is awarded the sum of \$475.50. Said award is to be paid by plaintiff and plaintiff's counsel, jointly and severally.

2. The clerk is ordered to include the court's award of fees and expenses occasioned by this order to become a part of the eventual judgment in the case, unless prior to the entry of

judgment the clerk is informed in writing that the award has been paid, accompanied by written proof of payment.

DATED June 13, 2005

BY THE COURT:

s/ *David L. Piester*  
United States Magistrate Judge